

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:03-CR-108-BO
5:16-CV-407-BO

JERRY HOWARD SURRETT, JR.,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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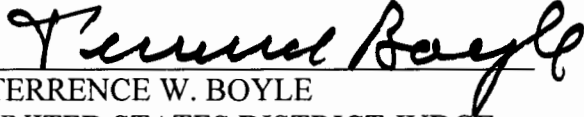
ORDER

This matter is before the Court on petitioner's motion to hold his motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 in abeyance pending decision of the Supreme Court in *Beckles v. United States*, No. 15-8544. [DE 56]. The government has joined in petitioner's request. [DE 59].

Petitioner in his § 2255 motion argues, *inter alia*, that in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015), he is no longer a career offender under the United States Sentencing Guidelines (USSG). On June 27, 2016, the Supreme Court granted certiorari in *Beckles*, which considers the question of whether *Johnson* applies retroactively to collateral claims challenging sentences enhanced under the residual clause in USSG §4B1.2(a)(2) and whether *Johnson* applies to the residual clause in USSG §4B1.2(a)(2).

For good cause shown and as joined by the government, petitioner's motion to hold consideration of his § 2255 motion in abeyance is GRANTED. [DE 56]. This matter is STAYED pending resolution of the *Beckles* matter before the Supreme Court. The government shall notify the Court upon the resolution of the *Beckles* matter.

SO ORDERED, this 12th day of August, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE